

Appl. No. 10/666,493
Reply to Non-Final Official Action of April 18, 2007

RECEIVED
CENTRAL FAX CENTER
JUL 13 2007

REMARKS

Claims 1-9, 11-17 and 29 are pending in the present application and each of the pending claims is rejected. Reconsideration and allowance of each of Claims 1-9, 11-17 and 29 of this application are respectfully requested.

Claim rejections under 35 U.S.C. §103(a)

The Action rejects Claims 1-5, 7-9, 11-14, 16, 17 and 29 under 35 U.S.C. §103(a) for allegedly being obvious over JP10-022253 to Iwata et al. ("Iwata"). The Action also rejects Claims 1-5, 7, 8, 12, 13, 17 and 29 under 35 U.S.C. §103(a) for allegedly being obvious over JP 04-099025 to Yoshiko ("Yoshiko").

Independent Claims 1, 12 and 29 recite "slats . . . disposed in said tank and over said drain opening, wherein one of said slats substantially covers said drain opening . . ." (Emphasis added). Claims 1, 12 and 29 are not obvious over the art of record for at least the reasons set forth below.

As conceded by the Action, Iwata and Yoshiko both fail to teach that one of the slats substantially covers a drain opening. However, the Action alleges that the recitation is attributed to the size of the slats and Claims 1, 12 and 29 are obvious over Iwata or Yoshiko because only the relative dimensions of the claimed invention differ from the prior art. Applicants respectfully disagree.

For Iwata, the Action refers to "drain opening on pipe 3" as the drain opening recited in Claims 1, 12 and 29. Iwata's FIGS. 1 and 3 show that pipe 3 is horizontally disposed and extendedly connected to the sidewall of box 2. The drain opening of pipe 3 is thus vertically oriented and disposed at this sidewall. The Action also refers to punching plate 5 as the regulating means recited in Claims 1, 12 and 29. Punching plate 5 is not disposed over and does not cover the drain opening because the drain opening is laterally separated from the punching plate. Punching plate 5 is horizontally disposed and merely covers a portion of bottom area of box 2. The vertical orientation of the drain opening of pipe 3 is perpendicular to that of punching plate. Clearly, punching plate 5 DOES NOT substantially cover the drain opening on

Appl. No. 10/666,493

Reply to Non-Final Official Action of April 18, 2007

pipe 3. Accordingly, Iwata fails to teach or suggest that one of said slats substantially covers said drain opening. This is as conceded in the Office action.

The Office action then alleges that the motivation to ensure that one of the slats covers the drain opening is that such a size of the slat is optional and promotes optimal control of fluid flow. However, regardless of the size of the punching plate 5 of Iwata, it cannot be dimensioned to COVER the vertical drain opening formed at the sidewall because the punching plate 5 does not extend along the sidewall. The punching plate 5 could not cover the drain opening for pipe 5 regardless of its size because the punching plate 5 is horizontally disposed over box 2, and not vertically disposed along the sidewall and Iwata provides the punching plate 5.

Regarding Yoshiko, the Action refers to the drain opening on pipe 5 as the drain opening and punching plate 9 as the regulating means recited in Claims 1, 12 and 29. Yoshiko's FIG. 1 clearly shows that pipes 5 are horizontally oriented and connected to respective sidewalls of tank 10. Punching plate 9 is disposed between the sidewalls of tank 10. The orientation of drain outlet 5 is perpendicular to that of punching plate 9. Punching plate 9 merely covers the bottom surface of tank 10, and DOES NOT substantially cover drain outlet 5. Therefore, Yoshiko also fails to teach or suggest that one of said slats substantially covers said drain opening. This is as conceded in the Office action.

The Office action then alleges that the motivation to ensure that one of the slats covers the drain opening is that such a size of the slat is optional and promotes optimal control of fluid flow. However, regardless of the size of the punching plate 9 of Yoshiko, it cannot be dimensioned to COVER the vertical drain opening formed at the sidewall because the punching plate 9 does not extend along the sidewall. The punching plate 9 could not cover the drain opening for pipe 5 regardless of its size because the punching plate 9 is horizontally disposed and not vertically disposed along the sidewall and Yoshiko provides the punching plate 9.

Based on the foregoing, Iwata and Yoshiko fail to teach or suggest that one of said slats substantially covers said drain opening. Accordingly, a prima facie case of obviousness, therefore, has not been established, and Claims 1, 12 and 29 thus are distinguished from, and not obvious over Iwata and Yoshiko. Withdrawal of the rejections of Claims 1, 12 and 29 is respectfully requested and Claims 1, 12 and 29 are therefore allowable.

Page 3 of 5

DM2/1150539.2

Appl. No. 10/666,493

Reply to Non-Final Official Action of April 18, 2007

Claims 2-5, 7-9 and 11 depend from Claim 1 and are also distinguished from art of record by virtue of their dependences. Withdrawal of the rejections of Claims 2-5, 7-9 and 11 is respectfully requested and Claims 2-5, 7-9 and 11 are therefore allowable.

Claims 13, 14, 16 and 17 depend from Claim 12 and are also distinguished from art of record by virtue of their dependences. Withdrawal of the rejections of Claims 13, 14, 16 and 17 is respectfully requested and Claims 13, 14, 16 and 17 are therefore allowable.

The Action also rejects Claims 6 and 15 under 35 U.S.C. §103(a) for allegedly being obvious over Iwata or Yoshiko in view of U.S. Patent No. 5,845,660 to Shindo et al. ("Shindo").

Claims 6 and 15 depend from Claims 1 and 12, respectively. Though disclosing various features, Shindo fails to cure the deficiency of Iwata and Yoshiko, i.e., that Shindo also fails to teach or suggest one of said slats substantially covers said drain opening. Accordingly, Claims 6 and 15 are distinguished from the art of record. Withdrawal of the rejections of Claims 6 and 15 is respectfully requested and Claims 6 and 15 are therefore allowable.

The Action also rejects Claims 9, 11, 14 and 16 under 35 U.S.C. §103(a) for allegedly being obvious over Yoshiko in view of U.S. Patent No. 6,616,774 to Sonoda et al. ("Sonoda").

Claims 9 and 11 ultimately depend from Claim 1 and Claims 14 and 16 depend from Claim 12. Though disclosing various features, Sonoda fails to cure the deficiency Yoshiko, i.e., Sonoda also fails to teach or suggest one of said slats substantially covers said drain opening. Sonoda does not appear to teach a drain opening in the cleaning tank. Accordingly, Claims 9, 11, 14 and 16 are distinguished from the art of record. Withdrawal of the rejections of Claims 9, 11, 14 and 16 is respectfully requested.

Based on the foregoing arguments, reconsideration and withdrawal of the rejections of Claims 1-9, 11-17 and 29 are respectfully requested, as Applicants believe that each of Claims 1-9, 11-17 and 29 is allowable.

Appl. No. 10/666,493
Reply to Non-Final Official Action of April 18, 2007

RECEIVED
CENTRAL FAX CENTER
JUL 13 2007


Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: July 13, 2007


Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicants

DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 744-2200
Facsimile: (619) 744-2201